

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

KEVIN McGHIEY,)
Plaintiff,) CIVIL ACTION NO.
v.) SA-12-CV-00578-FB
METRO NEWS SERVICE, INC.,)
Defendant.)

DEFENDANT'S DESIGNATION OF PROPOSED EXHIBITS

Defendant Metro News Service, Inc. (“Metro News”), through its undersigned counsel, and pursuant to this Court’s Scheduling Order, submits the following designation of proposed exhibits:

PROPOSED EXHIBITS

1. Plaintiff Kevin McGhiey has not yet provided responses to Metro News’ first set of written discovery requests. Plaintiff’s responses are currently due December 21, 2012. Metro News reserves the right to introduce any documents produced by Plaintiff in response to Metro News’ first set of written discovery requests, any subsequent discovery requests, and any supplemental production.
2. EEOC-related documents, including right-to-sue notices, applicable to Plaintiff’s claims.
3. Texas Workforce Commission-related documents, including right-to-sue notices, applicable to Plaintiff’s claims.

4. Any and all other documents which may be identified through discovery as potential exhibits and which are admissible under the Federal Rules of Civil Procedure and Evidence.

5. Metro News reserves the right to introduce rebuttal exhibits and documents for impeachment in addition to those listed herein pursuant to the Federal Rules of Civil Procedure and Evidence.

6. As discovery is ongoing, Metro News reserves the right to introduce and use as an exhibit any document produced by any party in discovery in this matter and that are admissible under the Federal Rules of Civil Procedure and Evidence.

7. Metro News also reserves its right to supplement and/or amend its Designation of Proposed Exhibits as necessary under the Federal Rules of Civil Procedure as discovery is ongoing and depositions have not begun and written discovery is not completed.

Respectfully submitted on this 14th day of December, 2012,

s/Nathan A. Schacht
Richard S. Mandelson
Colorado Bar. No. 5283
Nathan A. Schacht
Colorado Bar No. 42580
Baker & Hostetler LLP
303 East 17th, Ave., Suite 1100
Denver, Colorado 80203
Tel.: (303) 861-0600
Fax: (303) 861-7805
Rmandelson@bakerlaw.com
Nschacht@bakerlaw.com
Admitted pro hac vice

AND

Hurlie H. Collier
Texas Bar No. 04594550
Robyn R. Goldstein
Texas Bar No. 24054951
Baker & Hostetler LLP
1000 Louisiana, Suite 2000
Houston, Texas 77002
Tel: (713) 751-1600
Fax: (713) 751-1717
Hcollier@bakerlaw.com
Rgoldstein@bakerlaw.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant's Designation of Proposed Exhibits** was served via the court's ECF system on this 14th day of December, 2012, on the following:

Adam Poncio
Tiffany Miller
Poncio Law Offices, P.C.
5410 Fredericksburg Road, Suite 190
San Antonio, Texas 78229
salaw@msn.com
tmiller@ponciolaw.com

s/ Nathan A. Schacht